

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DR. MONICA FLEMING,

Plaintiff,

VS.

METHODIST HOSPITAL, METHODIST
HOSPITAL/HCA
HEALTHCARE/METHODIST
MINISTRIES, C/O FRANK G. SIMPSON
III;

Defendants.

SA-21-CV-01234-XR

ORDER

Before the Court in the above-styled cause of action is Plaintiff's Motion to Compel and Request for a Hearing [#41], which was referred to the undersigned for disposition on July 13, 2023. By her motion, Plaintiff, who is proceeding *pro se*, asks the Court to compel Defendants to respond to Plaintiff's requests for production. The undersigned has reviewed Plaintiff's motion and Defendants' response [#42] and will deny the motion.

First, Plaintiff's motion is untimely. Under the Court's Local Rules, absent exceptional circumstances, no motions related to discovery may be filed after the expiration of the discovery deadline. W.D. Tex. Loc. R. CV-16(e). The discovery deadline in this case expired on June 7, 2023. Plaintiff filed her motion on June 11, 2023. No exceptional circumstances have been established justifying the untimely filing of Plaintiff's motion.

Second, Plaintiff's discovery requests were also untimely, and Defendant has no obligation to respond to them. The record reflects that the requests for production at issue were served by Plaintiff on Defendants on May 12, 2023. (Requests for Production [#42-1].)

Defendants' responses were therefore not due until June 12, 2023. *See* Fed. R. Civ. P. 34(b)(2)(A) (providing 30 days to respond to requests for production). As stated above, discovery closed in this case on June 7, 2023. This Court's governing Scheduling Order provides that "[w]ritten discovery requests are not timely if they are served so close to this deadline that under the Federal Rules of Civil Procedure the response would not be due until after the deadline." (Scheduling Order [#20], at 2.) This Court's Local Rules also provide that "[t]he responding party has no obligation to respond and object to written discovery if the response and objection would not be due until after the discovery deadline." W.D. Tex. Loc. R. CV-16(e). Accordingly, Defendants are not required to respond to Plaintiff's untimely discovery requests, and this Court will not intervene in the parties' dispute over Defendants' objections.

Given the foregoing, Plaintiff is not entitled to a hearing on her motion.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Compel and Request for a Hearing [#41] is **DENIED**.

SIGNED this 19th day of July, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE